

AN ACT

ENTITLED, An Act to revise the security required of an agent selling hunting and fishing licenses and snowmobile permits, to provide for fees and interest to be charged agents, and to limit the liability of county treasurers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 41-6-59 be amended to read as follows:

41-6-59. The county treasurer may appoint agents within the treasurer's county to sell the licenses and the permits provided for in § 41-6-57. No conservation officer may be appointed as an agent of the county treasurer. Any agent, who has been appointed by the county treasurer in any previous year and has provided either a bond or other security to the county treasurer in any previous year, is not required to furnish a bond or other security if the agent is not issued licenses and permits with a value of more than fifty thousand dollars at any one time. An agent, who has previously provided either a bond or other security and has licenses and permits of a value no greater than twenty thousand dollars issued at any one time, shall pay to the Department of Game, Fish and Parks an annual fee of twenty dollars. An agent, who has previously provided either a bond or other security and has licenses and permits of a value greater than twenty thousand dollars but less than fifty thousand dollars issued to them at any one time, shall pay the department an annual fee of fifty dollars. An agent, who has more than fifty thousand dollars of licenses and permits issued at any one time shall be bonded or shall furnish security equal to the total value of the licenses and permits issued to the agent at any one time less fifty thousand dollars. Any agent who has not previously been bonded or provided other security to sell the licenses and permits shall be bonded or shall furnish security equal to the total value of the licenses issued to the agent at any one time. A certificate of deposit, money order, or other negotiable instrument issued by a bank, savings and loan association, or a credit union bearing the agent's social security number or employer identification number payable to the

county treasurer is sufficient security. If an agent fails to timely pay the amount owed to the county treasurer, the county treasurer may cash the certificate and satisfy the amount owed to the county treasurer and remit the balance to the agent. If the agent has paid all the fees owed to the county treasurer and requests a return of the certificate of deposit, money order, or other negotiable instrument, the county treasurer shall endorse it payable to the agent and return it to the agent. Any agent who defaults on payment of the amount owed to the county treasurer may not be appointed an agent by the county treasurer until the unpaid amount, plus interest at the Category B rate of interest as defined in SDCL 54-3-16, is paid.

Section 2. That § 41-6-66 be amended to read as follows:

41-6-66. The licenses provided for in §§ 41-6-11 to 41-6-21, inclusive, in § 41-6-23, in §§ 41-6-35 to 41-6-37, inclusive, and in § 41-17-13, shall be in such form as the Game, Fish and Parks Commission directs, and shall be furnished to the various county treasurers without charge, and upon receipt of the licenses, the county treasurer is liable under the treasurer's official bond for the license blanks delivered and for the proceeds derived from the sale thereof, and is responsible for all license blanks issued by the treasurer to, and license fees received by, an agent, except that the county treasurer is not liable for any amount an agent fails to pay the county treasurer up to the amount of licenses and permits the agent may obtain pursuant to § 41-6-59 without providing a bond or other security. The Department of Game, Fish and Parks may collect any amount owed by the agent to the county treasurer for which the county treasurer is not liable.

Section 3. The effective date of this Act is January 1, 1998.

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I certify that the attached Act
originated in the

SENATE as Bill No. 157

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 157

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State